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THE

SPEECH

OF

George

MR. HARDINGE,

AS

COUNSEL FOR THE DIRECTORS

OF THE

EAST INDIA COMPANY,

AT THE

BAR OF THE HOUSE OF LORDS,

ON TUESDAY THE 16TH OF DECEMBER, 1783.

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Mr. HARDINGE.

MY LORDS,

I AM Counſel for the Directors of the *Eaſt India* Company, and have the painful honour to ſupport as an Advocate, rights which I feel as if they touched the deareſt perſonal intereſt of my own: For though an obſcure man, I have this intereſt and this pride, that I am one of a community which is bond or free as the few pages in my hand ſhall find their way to the Records of Parliament, or be intercepted by the Guards of the Conſtitution planted here.

THERE are critical periods (and this I can too ſafely aſſume to be one of them) in which the office of an Advocate would be a curſe and ſnare to public freedom, if he ſhould fear to call Oppreſſion by its name, from whatever hand it may come, till it has the weight and ſtamp of enacted law. Guilty of no ſuch criminal fear, though a Miniſter great in office, and great beyond example in the aſcendant of his perſonal character, moved for this Bill in the other Houſe, (with a purity of intention to which every poſſible credit is due,) I took the liberty at the Bar of that Houſe, in the face of that Miniſter, to accuſe the Bill, of injuſtice unexampled, and a death's blow to the liberties of the Government. A majority of that Houſe, (with motives no leſs pure) have paſſed the Bill; and yet, my Lords, at this Bar I draw the ſame picture of it.

SPEAKER.

SPEAKER. We don't know what paſſed in the Houſe of Commons.

MR. HARDINGE. Here then, my Lords, the Bill may ſit for its portrait, and *here* at leaſt I have no flattering colours to ſoften one ſhade of its deformity.

IF I could ſuppoſe that your Lordſhips would paſs the Bill, and it were competent for me, this gown upon my back, to be heard at the foot of his Majeſty's throne, I would there deprecate the impending blow, reſpect the *motives*, proteſt againſt the *act*, at every perſonal hazard.

Neceſſity, my Lords, the aſſumed virtue of the Bill, is our unwelcome plea, if the tone of this appeal ſhould be, like the injury which it meets, of the firſt impreſſion here,—if it ſhould riſe to a more animated

ſtrain than lighter occaſions would claim or excuſe.

FORGIVE me too, my Lords, if I breathe too pure an air in this place to lay an unbecoming ſtreſs upon the dignity of the parties concerned, upon their peculiar merit, upon the value of their ſtake, or upon the melancholy but ſure conviction, that if the ruin ſhould fall upon their head, the foundations of the Government will ſink under it. I ſhall at leaſt *begin* my addreſs to your Lordſhips, with broader principles and with manlier hopes. Let it be upon the ſhelf at preſent, and forgot, that I ſtand for corporate rights, acquired in their infancy by that ſpirit of commercial adventure, which is the right hand of our political ſtrength;—forgot, that charter upon charter to this Company have been purchaſed by contract for value;—that we have enriched our wealth by theirs,

theirs, and raiſed our national honour by their ſervices in the field—*atchievements* unequalled in the hiſtory of the world, and *ſervices*, how compenſated? By an act of injuſtice which a perfect ſtranger, a beggar at your door, would feel as an inſult, and would be ſure at this Bar to repel with effect.—Let it only be remembered, that I plead for individual ſubjects of *Great Britain*, ſtripped of their legal franchiſe, without one ſhadow of ſpecific imputation proved, or ſtated againſt them; and if this can be ſaid with truth, let me aſk, where is that property, perſonal freedom, or character, where is the limb or life that innocence may inſure to any of us for an hour?

On the other hand, Counſel againſt every *material word* of this Bill, may I not examine the enactment, as well as preamble of it; and the enactment in all its

its parts—the forfeiture impoſed—the power aſſigned—and the new hand intruſted with it? May I not examine the *ſafer cuſtody* (as it's called) of this jewel, taken with ſo little ceremony from the owner's hand, in order to be "*better kept for* him *by others*"—by *ſeven*—what ſhall I call them?—*Commiſſioners of Lunacy*, and *Commiſſioners of Bankrupt*—by *ſeven Guardians* of this *Political Infant*—*Guardians*, who are to make him a cypher for his own good, *four* years, and at the end of that period, *if they chuſe it*, are to let him be of age? The policy of this Bill is the ſole plea attempted in ſupport of it. May I not meet that policy, and grapple with it? May I not ſet upon the other ſide of the account a deſpair of the public ſafety, if ſuch a Bill ſhould paſs? May I not plead againſt it from Hiſtory, from the principles of our Conſtitution, from the jealouſy of this Houſe againſt precedents injurious

jurious to common right; and moſt of all, from the natural frailty of the human character, tempted by that ſtrumpet Power, ſeduced by the impunity of wrong, and corrupted by the wages of it? In ſelf-defence, thoſe for whom I plead are *politicians* here. As *culprits*, they muſt leap in the dark; at leaſt I can ſee no hint of a charge which they are bound, or ſuffered by the rules of juſtice long received in this Houſe, to confute by argument and proof. Yet in prudence, and in political honour they are amenable to every popular ſuſpicion that can breathe upon their character; for it would be a barren though a ſure victory of their innocence at this Bar, if they were only to ſay, "We are "not put upon our defence, we ſhall there-"fore make no defence at all; and what-"ever the Public may think of us out of "doors, we claim to be acquitted here."

I STAND before your Lordſhips upon *three* grounds; and I feel them as firm to me as a rock, whether I ſeparate or unite them:—1. There is no ground of confiſcation (legal or legiſlative) proved or ſtated in this Bill.—2. The Company have more than exculpated themſelves againſt every ſuſpected imputation; they have proved exemplary merit and ill-requited ſervices to the Public.—3. The remedy offered *kills* the patients, to *cure* them; and by a new diſorder, whoſe infection ſpreads like a peſtilence, corrupts the vital ſtamina of the public health, and ſhatters the whole frame of the Government.

WHEN I touch upon the *firſt* of theſe topics, can I forget the peculiar province of your Lordſhips to interpoſe a judicial and appellant controul over injuries to common right in every form, political or legal? If the Commons impeach, it's for you

you to hold an even ſcale between the accuſer and the culprit. If a *Bill of Pains and Penalties* be received into this Houſe, are your Lordſhips leſs vigilant over the rights of the ſubject committed in ſuch a Bill? Where a *Bill of Policy* takes in its courſe forfeiture, and puniſhment, impoſing an *attainder by the bye* (if one may give it ſo ridiculous a name) upon parties unaccuſed, are you to be diſarmed becauſe the *penalty* is *called* an *inſtrument of reform?* No, my Lords: Upon every ſuch occaſion I aſcribe to your Lordſhips a judicial controul in your legiſlative capacity.

To this Houſe the *India* Company (Director, Proprietor, and Servant, made *one* by the oppreſſion which has united them)—to you, my Lords, and that pure ſpirit of honour which is the ruling feature of your character, addreſs their laſt, and ſolemn appeal.

THUNDERSTRUCK by this blow, and ſtung by the inſult of it, they can with difficulty eſtimate the value of their loſs, or take meaſure of the ruin. I ſhall attempt a general, but correct view of it. The Company have at this time valuable rights of Empire and of Commerce; they have the order and government of them under certain regulations; they have an excluſive trade and revenue, which is their *property*, if the ſixpence in my pocket is mine. That which gives them theſe rights, charter, public faith, and contract for value received, gives them alſo the right of chuſing their great accountable Officers in every department, and an immediate controul over theſe objects of their choice. I take this to be the government of the *Eaſt India* Company, and the Bill in my hand is a *diſſolution* of it. Checked and regulated often, the general *right* and the general *form* of it have been

been ſacred for upwards of a century paſt. The Bill puts them to death. Suppoſe a Bill ſhould ſay to the Conſtituent of the Commons, "*You* ſhall not elect again—"the Commons are no longer to ſit as "*your* Delegates; but we ſhall chuſe "them into a better Houſe of Commons; "and out of the new Parliament, ſo mo-"delled, *ſeven Directors* of the Legiſlature "ſhall be a Cabinet-Parliament, amenable "ultimately to us alone." I aſk, if that would not be a *diſſolution of the Government by King, Lords, and Commons?* The King would remain; the Lords and Commons, or I ſhould ſay, the *name* of them, would live; but the *Conſtitution* of that Government would be no more. What ſays *this* Bill? It ſays to the Conſtituent of the *India* Director, "You ſhall no "longer elect him." To the Repreſentative, "Your election is a political nul-"lity; you are from this moment out of

" your office." To the general right of all the parties intereſted, " Every ſixpence " of your purſe, and every feather of " your power, ſhall be *ordered* and *regu-* " *lated* by us, the Parliament, without " controul and without appeal."

I MUST, however, do juſtice to the balm which has been poured into this wound, and pay due honour to certain " *arrange-* " *ments of delicacy*, which have ſoftened " the meaſure, ſo as to make it no longer " injurious, though it might have given " juſt alarm at firſt." Here, my Lords, I am to requeſt, before I ſtate what can be only conveyed in terms of ridicule, that I may not be charged with ſuch levity upon ſerious topics. I am not the jeſter, my Lords, and the ridicule is none of mine; it's the ridicule of inſult, armed with power and aggravating injuſtice.

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The advocates for this Bill in its *improved* and *more accommodating ſhape* have ſaid, " Pray don't be alarmed; let your " ſlumbers be as light as ever; your *ex-* " *cluſive trade* and *revenue* are ſtill your " own; it's *in truſt for you*, that Parlia- " ment ſhall act, *reſponſible* to you, in " their virtue, in their tried integrity, " not in their *power*, ; for there it *happens* " that you will, and muſt find them *ab-* " *ſolute*; their *conſcience* will bind them to " your intereſt with more delicacy and " equal ſecurity.

—" But other ſcruples occur: It may be " ſaid, that your new Directors appointed " by this Bill are too political for com- " merce, and therefore they ſhall *only* " have the *ſovereign controul* over a com- " mercial Board, who are to be cyphers " themſelves, except in the power to " *adviſe*. To make ſuch mere Stateſmen

" as

" as the new Directors a Board of Com-
" merce, would be an act of extreme in-
" juſtice and folly. They cannot meet
" without ridicule, even to *debate* upon
" what they cannot underſtand; but they
" ſhall *enact* every commercial arrange-
" ment, with or without the approbation of
" theſe drudges, and clerks in office, who
" may enlighten, but muſt not guide
" them; may *talk* to them, but have no
" claim to be *heard*.

—" We have more *indulgence* yet in ſtore
" for you, the Court of Proprietors. It's
" natural that you ſhould love to meet
" and chat over your own affairs, when
" your All is at ſtake: Don't be alarmed,
" or imagine this freedom of *conference*
" touched by the Bill. You ſhall meet
" as before: The Bill even at firſt enabled
" you to confer *twice* a year; and in the
" Committee this *two* has been changed

" into

" into *four*." Nay, my Lords, to heighten the ridicule, if it could be heightened, I have heard it a ſolemn topic of popular diſcuſſion, " Whether this Court ſhall " meet *four*, *five*, *ſix*, or *ſeven* times in a " year?"——" Meet?" they aſk, and " for what purpoſe? To hover, like " departed ſhades, over the favourite ſcene " of our life, and lament our untimely " diſſolution."——" I beg your pardon," ſays the Bill; " you may *ſuggeſt* ideas of " your own to thoſe who have the power " in their hand. If they laugh at you, " and reject wholeſome advice, you may " addreſs the King, and the Houſe of " Commons; that King, who has no " ſceptre in his hand upon the ſubject; " thoſe Commons, who, by their Dele- " gates, have done you the wrong.

—" But a very dangerous miſconcep- " tion of the Bill has gone forth: We muſt " undeceive

" undeceive you in time, and we do it
" with pleaſure. You are only to meet
" *four* times in a *General Court*, and as
" forming it yourſelves; but meet in
" God's name *any where elſe*, and as often
" as you have a mind.—Saliſbury Plain,
" St. George's-fields—*The world is all be-*
" *fore you*; talk of the new Bill, the new
" Directors, or of any other ſubject, with-
" out prejudice to your *allegiance*, or the
" *King's Peace.*

—" We at firſt indiſcreetly repre-
" ſented your Citadel in Leadenhall-
" ſtreet, as taken by force, like a town
" beſieged; your *ſecurities for money*, and
" your *looſe caſh*, fell to the conqueror.
" The expreſſion was harſh, and the ſound
" of it invidious. It was treating you as
" a *bankrupt* upon his laſt examination at
" Guildhall, to aſk for your watch, rings,
" and pocket-money. We have corrected

" the

" the levity and ſeeming inſult of the " words. No little circumſtances of " plundered property are enumerated: " *all* that you have in the world (a " gentler phraſe) will henceforth be *col-* " *lected* by *ſeven Receivers*, and employed " by them for *your benefit*.

— " But we forgot another *very intereſt-* " *ing* accommodation to your prejudices. " The title of *Director* ſhall be retained, " and that of *Commiſſioners*, which per- " haps gave you offence, obliterated."

Such are the *arrangements* for the bene- fit of *Proprietors*, who, in the original *title* of the Bill, have precedency over the *Public*; though in the very firſt clauſe of it they are ſunk, and the *Nation* de- ſcribed as having the whole ſtock of the Company, who are ſtated as the mere ſtewards and bailiffs of that eſtate.

THE government of the Company thus *diſſolved* for *their good*,—ſay the Company themſelves, "We don't happen to like "your *benefits*; why are theſe *bleſſings* "forced upon us?" "Your anſwer is "*here*" (ſays the Bill, pointing at the firſt clauſe). We have heard of *expert rotiſſeurs*, and of murder *ſecundùm artem*: The firſt clauſe of this Bill is a moſt accompliſhed maſter-piece of that ſcience. The Company are juſt *accuſed* enough to be held up as delinquents of ſtate, and juſt *unaccuſed* enough to have no refuge againſt the calumny inſinuated. I implore, as *mercy* to them, that ſome of their bittereſt enemies may accuſe them face to face, at this, or any Bar, in terms which they can meet, and fairly encounter. Laſt year, My Lords, what paſſed where I ſtand? Chearing ſounds to public freedom were heard in this place, upon the ſubject of another diſfranchiſement, affecting

ſecting the corrupt electors in a Weſtern Borough. There too was a *Bill of reform*; and there too, becauſe the diſfranchiſement was to be the *road* of that reform, an attempt was made by ſome to impoſe upon this Houſe lighter evidence of the guilt. What ſaid one of the firſt oracles in the kingdom upon that occaſion? "They ſhall be heard in every period of "the Bill, againſt every part of it: Strict "and accurate proof ſhall convict them, "or not a hair of their head ſhall be "touched." It was nobly ſaid. Better is it, My Lords, for the community at large, that flood-gates of bribery ſhould be opened, than that one individual ſhould be diveſted of his legal franchiſe in this or any Court, unaccuſed, imperfectly heard, or upon imperfect evidence.

As Counſel for the Directors, I looked with keen eyes into this little volume of

their *puniſhment*, for ſome traces of their *guilt*. *Safe* in the firſt clauſe, I ſaw them *out* in the ſecond, and *firſt accuſed* in the eighteenth; accuſed there *alone*, and even there in terms not very definite; accuſed, of connivance in general at the miſconduct of their ſervants employed in the *Eaſt*. Having made the diſcovery, I engrafted upon it a petition for two little favors:—1, that ſuch an *error of the type* in ſhifting this clauſe out of its place, might be corrected, and what *appeared* in page the *ſeventh* might reſume its *natural* poſition in page the *firſt*:—2. that any one, two, three, or four inſtances of the miſconduct imputed, ſhould be adduced, and the Directors put upon their defence. What's the *mercy* of the Bill in its preſent form, by way of anſwer to that requeſt? *Una litura*; the whole charge againſt the Director ſwept away. My Lords, I feel no thanks to the Bill for ſo *cruel a mercy*.

As

As a record for poſterity, the *improvement* is the worſt of it; (for that poſterity, which I truſt in God that no ſuch Bill can reach;) for if this clauſe had remained, it would have left the ſemblance of a definite charge, and after-ages could imagine that it might have been ſupported by ſome kind of proof.

I MAY be told, "that I beg the whole "queſtion, the Directors being the *ma-* "*nagers* of the Company, and *miſma-* "*nagement* the imputed ſource of thoſe "troubled waters, in which the Company "have been almoſt overwhelmed." If the Directors had been the *ſole* managers, I ſhould own, that here they would meet ſomething like an accuſation levelled immediately againſt them; but I would then ſay to the accuſer, "Point your charge in "terms a little more ſpecific, and bring "forward your proofs of it."——A caſe occurs

occurs to me as parallel to this.—Could a Miniſter be put upon his defence againſt a *general* charge of *miſmanagement*? I ſhall be anſwered, "that he could *not*— "upon *Impeachment*, becauſe there every "imputation muſt be definite, and clear." "Could it then be done (I would aſk) "in this oblique way? And could the "King be diſarmed of his power to "chuſe a *new* Miniſter, becauſe *a Bill of* "*policy* ſhould acquaint him that one of "his *preſent* Miniſters had in ſome degree "or other, (perfectly indefinite,) abuſed his "power? And could it be an inference "drawn from ſuch a recital, not that he, "the Miniſter, ſhould be impeached, and "ſhould anſwer for himſelf, but that his "Majeſty ſhould anſwer for him, and "ſhould agree to a diſmiſſion of him by "Parliament, (uſurping the Regal "power,) and ſhould not appoint *any* "Miniſter again? Would ſuch a Bill

"be

" be endured ?" And yet I challenge the wit of man to diſtinguiſh it in fair analogy of principle from the Bill at this moment before the Houſe.

The firſt recital of it is, " That *a fit* " *and immediate remedy* muſt be applied " (not *this* remedy *in ſpecie*). *Diſorders* " have long prevailed, continue, and " increaſe; *probable* (not certain) ruin " will fall upon the Company, if *ſome* " fit and immediate remedy is not ap- " plied." What are theſe diſorders? How long have they *continued*? Why is *this* remedy fit? How much, and where has the diſorder *increaſed* of late?—What can be more indefinite than its *age*, the *ſize*, or the *nature* of it in the Bill; and how can the culprit meet ſuch a vague deſcription of his guilt?

But who *is* the culprit? Is it remem-

bered

bered into how many diſtinct claſſes the amenable character is divided? Will it be denied that, for example, the *Directors* may be innocent, and even held innocent by the accuſer himſelf? The *Servants* abroad may be innocent, or the *whole* guilt may be *theirs*. The Court of *Proprietors* may alone be reſponſible for the abuſe of their controul over the Directors, whom they appoint. The *Miniſter* of this country, for the time being, may at leaſt have an ample ſhare of the guilt. From the year 1773 it has been *proved* at the Bar, that Adminiſtration has in fact exerciſed the uniform power of reviſion, controul, and aſſent or diſſent, at will, over all the regulations of Leadenhall-Street. I claim for every one of theſe parties, that each of them (the *Miniſter* incluſive) ſhould be heard, and according to their delinquency puniſhed; but that every *general* right, though abuſed,

abuſed, ſhould rather be guarded againſt future abuſe, than exterminated.

One glaring advantage to injuſtice, and oppreſſion will be ſure to ariſe from ſo deſultory an attack. Indolence, and prejudice brood over it. With *one* of the various Judges who ſit upon it, Mr. *Haſtings*, a ſervant of the Company, is the ſole culprit, and *his* guilt is the corner-ſtone of this revolution: With *another*, it's the diſtreſs of the Company's purſe. "*Let them look to their Bond*;" they are *Bankrupts*; they have been ſo called upon the Exchange, by a ſingular *miſtake* of the moſt luminous underſtanding that ever enlightened a public audience. And yet ſince that *miſtake* has been ſet right, new attempts have been made, though all of them failed, *(and many of them with ſome degree of ridicule)*, to repreſent the Company as being, to certain purpoſes,

and upon certain principles of analogy, *in the nature* of *Bankrupts.* Many too have been the imputations thrown upon their account; and their ingenuous anxieties to vindicate their finance from calumny have been treated with inſult. A *third* ſtrange ground has been taken up: "This "Company (we are told) was formed "only for commerce, and is equal to that "ſubject alone; yet they have *ſuddenly* "(as if it happened *yeſterday)* ſlipt into "politicians." We are told, "that it's "an abuſe of terms to ſet up their *pro-* "*perty in dominion*;" and from thoſe premiſes the inference attempted is, "that "as little can they exerciſe *dominion over* "*their property*;" for they are treated by this Bill as perfect ideots in the *Commercial* as well as *Political* Office.

How can the Directors for whom I ſtand, oppoſe this variety of topics, when, as

as *motives* to the Bill, or even as *arguments* for it, they don't appear in the Bill itſelf, or in other viſible, and palpable forms? Yet I ſhall readily meet them all, and meet them, as if *preambles* to the Bill; for ſure I am, that if they fail in that ſituation, your Lordſhips will not give ſtamp, or currency to them in a more queſtionable ſhape.

If the Bill ſhould ſay, "that *all* who "*can* have been delinquents, have been "criminal *in fact*," I ſhould aſk, "how "criminal?" and call upon the Houſe to compare the degrees of their guilt, as meaſured out between them, to the extent of the remedy, as affecting *all* of them.

If the Bill had ſaid, "that *one* of the "Directors alone had been criminal," I ſhould ſay, "Prove it; puniſh *him*, ſpare "the reſt, and ſave the right."

If *miſmanagement* is the ſole ground, and a degree of it (as we have been told) which this Bill can alone correct, compenſating by general good for injuſtice to particulars, "prove it; give me your facts, and I'll reaſon "upon them without fear."

My Lords, I lament with deep concern that we are to buffet again, at every turn of the partiſans for this Bill, that ſtale, and pitiful catchword of deſpotiſm, the word *neceſſity*;—a word of ill-omen'd ſound, which threw us into a civil war, loſt a King his head, and ſcourged us with a tyrant Houſe of Commons. Where *neceſſity of State* operates at all againſt the balance of power, it levels every order of ſubjects; abrogating law, and the letter of the Conſtitution, with common aſſent. As it was correctly, and ably ſaid by one of the Counſel who preceded me, ſuch a neceſſity never can operate between the ſeveral members of one and the ſame *exiſting* Government; but muſt act upon *a diſſolution of it*, real

real, or aſſumed. It has been truly called "*the tyrant's plea*," and as truly called for another purpoſe, "*the patriot's plea.*" It's both; but how came it in this country, to be "*the patriot's plea?*" Inſtructed by the Tyrant, he flung the word in his teeth.—Subjects have *their* neceſſities too. The *Civil War*, and the *Revolution* were *neceſſities* of the popular ſcale, which counteracted the abuſe of the term by the Sovereign. But ſhall it be ſaid, that *probable ruin* to liberty will juſtify a *ſecond Revolution?* I will at leaſt never ſay it; and yet, I would for ever inſiſt, that no degree of neceſſity can juſtify the Sovereign Power in wreſting from the Subject his legal right, (without an equivalent) ſhort of a given degree which, if thetables were turned, would juſtify the Subject in riſing againſt the Sovereign Power.

But prove ſuch an extreme, irreſiſtible, and fatal neceſſity here. It's not attempted in proof; it's not averred in the Bill, though aſſumed in the argument. Perhaps in the caſe before us, we may define it thus: "A neceſſity much too ſtrong "to admit of delay, from the time it will "require to make it appear."

Your Lordſhips will however be too dull to avail yourſelves of Lord *Clarendon's* hint upon the ſubject. That ſagacious writer, and ſtateſman ſays upon the caſe of *ſhip-money*, that it was ill managed. "The "partiſans for it (according to *him*) ſhould "not have diſhonoured the law by cor-"rupting it ſo as to make the tyrant carry "his point in that ſhape; they ought "(ſays he) to have come into Parliament, "and there have declaimed upon State "neceſſity; for there a little eloquence "well applied by the oracles of the day

"would

" would have ſoftened the alarm." He quotes a paſſage from Thucydides, which imports, " that acts of mere *violence* of-" fend leſs than acts of *injuſtice*; becauſe " the latter, coming as from an equal, " *pique*, and *affront* the ſuffering party; " the former proceeding from an ac-" knowledged ſuperior, are more eaſily " borne." But here, my Lords, I can ſee many Oracles of that Law, which Kings have corrupted in worſe ages of the Government, and who will ſcarce be leſs tenacious of their judicial province *here* than ſitting in *Weſtminſter Hall*, where no little, or dirty politics can reach them.

When I ſpeak of *probable* ruin, as amounting to a political neceſſity, I cannot forget the word " *ſpeculative*," not very unlike it, which I believe may be found the epithet of another *Indian* Reform, and ſtanding, at the moment in which I ſpeak,

upon

upon one of the many Records in this Houſe which glow with characters of public virtue.

" WHERE has this *neceſſity* been ſo " long aſleep ?" was a queſtion aſked in the caſe of ſhip-money ; and it's too applicable here. It was there ſaid, " We " are juſt come to the end of a war ; could " the neceſſity have ſlept in the courſe of " that war ? And ſhall the diſcovery of it " be firſt made by the peace ?"

IF the diſorders, which are inſinuated, have *long prevailed*, this Adminiſtration would have reſigned their offices by the ſame argument, in a *fabulous* caſe which I am going to put. It *might* have been ſaid in 1781, with *no prophetic ſpirit*, but with ſome *colour* at leaſt for ſo *ill-bred* a ſuppoſition, " We don't " like to intruſt you, the new Mini- " ſters, with a dangerous power. We " have

" have ſeen that power which you have
" wreſted from others much abuſed, and
" we are not *ſure* that you, the *new Direc-*
" *tors* of the Public, may not be reconciled
" hereafter to the *old*. We can't be *ſafe* unleſs
" we bind you with ſtrong fetters, and
" guard ourſelves againſt the future cor-
" ruption or abuſe of that popularity
" which at this moment you com-
" mand." Had ſuch *viſionary* fears been accompliſhed at the hour in which I ſpeak, and the check had been omitted when the power had been firſt given, I could ſay to the Miniſters of the day, as the Bill argues here, *mutatis mutandis*, " The *Ame-*
" *rican* war is *one* diſorder which has *long*
" *prevailed*, and whoſe miſchief operates
" at this hour. The *influence of the Crown*
" is checked at preſent, but it may return
" in other ſhapes, and worſe. The *Mi-*
" *niſters* have done this; and if the King
" is to chuſe his own Miniſters again, we
" can have no adequate or permanent ſe-

" curity." One of the Miniſters (the *new* and the *old* thus incorporated) would ſay, " I am a *new* Director; it was not " *my American* war; I voted againſt the " corrupt influence of place and penſion; " I would have reformed the Parliament if " I could, &c." What's the reply? It's like that of this Bill: " *Some* of you " had a hand in the political diſgrace and " ruin of twenty years paſt. Our cen- " ſure can't with ſafety make little dif- " ferences. You have *ſome* of you done " irreparable wrong in your capacity of " Miniſters; and you are *all* of you now " Miniſters in harmony together. The " King choſe you into your office; he " muſt chuſe you no more; *we* muſt " chuſe our own ſeven Directors of the " Government, our Delegates and Repre- " ſentatives, amenable to us alone, whoſe " power is abſolute,"

MANY.

MANY other illuſtrations will make the fallacy of ſuch reaſoning familiar. Suppoſe it ſaid (which happens to be the fact), "that there are diſorders at every General "Election; that a corrupt intercourſe has "too often taken place between the Can-"didates and the Voters; that a *fit* and "*immediate* remedy ſhould be applied; "*wherefore be it enacted*, that no ſuch "Elector ſhall chuſe into Parliament any "more."—That leap, my Lords, was carefully ſhunned in a famous *Bill of Reform* applicable to the very ſubject laſt year; a reform, which infuſed new life into the vital parts, but ſaved every exiſting right from the hand of power.

I SAID, that Servants of the Company in general were ſome of the parties reſponſible for the diſorder, if it has happened in fact. Mr. *Haſtings* is one of them, and more at leaſt has been ſaid

againſt *him*, than againſt any of the reſt. Yet, which is not very fair treatment of the Directors, he himſelf, who has been one minute arraigned as counteracting the "*pure ſyſtem of their ethics*," has been quoted in the next breath, as reflecting upon the impotence of their Councils.——That *great and good man* courts proſecution, but courts it in vain; yet *his crimes* are to juſtify the Bill. Not that we can find them ſo treated, or find them at all *in* the Bill itſelf. They are circulated, however, in ſtreets and highways, to depreciate his popularity, and factious calumnies levelled at him, are to give the Bill a helping hand. Is it then, fit, or is it not, that he ſhould be heard at this Bar by his own Counſel? Is it no injury, no diſhonour to him, that ſcorn ſhould point her finger at him and ſay; "You, who owe your conſequence, your "power

" power and fortune to the maſters you " have ſerved, are the party whoſe guilt " has been made the ſole or chief plea for " the *diſſolution of their Government.*" I have heard of rumours, that in *due time* he is to be put upon his defence. Will ſuch a Bill as this be of no prejudice to him *then?* Suppoſe, on the other hand, that his perfect innocence, and exemplary merit ſhould appear in that Cauſe; what muſt then become of this Bill, founded upon his guilt? Will Parliament repeal it? Will thoſe who have ſwept ſuch powers into their hand ſurrender them? Yet if he deſires *now* to be heard; " You are not accuſed," will be the anſwer. If he ſhould lay by, and ſay hereafter, " I had not an oppor- " tunity of being heard when the Bill " paſſed," the Legiſlative Juſtice of the Country will anſwer to him, " You are " convicted by this Bill; the King, Lords, " and Commons *could* not have paſſed it " unleſs

" unleſs they had believed your guilt, and " thought it even too clear for any *forms* " *of proof.*" My Lords, I claim this for Mr. *Haſtings*, and for the Directors too. Let his guilt be deſerted as a foundation of the Bill, or let him be heard at this Bar by his own Counſel againſt the direct and open charge of it.

" But what has the guilt of Mr. *Haſt-* " *ings* to do with *us?*" the Directors may aſk. " You have continued him (it may " be ſaid) in a diſtant office of power al- " moſt abſolute; you have tempted him " by your connivance into a thouſand acts " of deſpotiſm and rapine."—" That we " have continued him in our ſervice, (they " will anſwer) is true; and we have done " it upon a general view of his important " merits, though we have diſapproved " ſome parts of his conduct. Not that " we have *connived* at them, but we have

" covered

"covered them with his laurels, and have "been leſs extreme to mark with puniſh- "ment ſo bright a character; with a "puniſhment which muſt have ruined "us, for all our hopes were centered in "him, as the ſaviour of the Company."

"HAD we no model for ſuch a diſtinc- "tion? Had not we a model, which, "though it was given us by the Houſe "of Commons themſelves, we have "copied only with caution, becauſe "unqualified no precedent could be worſe?"——I refer to the guilt of another great ſervant, guilt of a different ſize from the *Opium-contract* of Mr. *Haſtings*, or the other pick'd hairs of that kind, if they were clear of doubt, and fallacy. What, my Lords, was the fatal conduct of a certain Aſſembly to Lord *Clive*, in the Reſolution which declared the fact of his guilt, and voted honour to him in the ſame breath? I read in it, my Lords, the moſt perni-

pernicious encouragement ever held forth to the rapine of the *Eaſt*, that indelible ſtain upon the *Engliſh* character. It was a curſe upon the Company, that ſuch a vote ever paſſed, built upon ſo new and ſo improvident a maxim as—"*gloriâ* juſtitiam "*vincere*;"——a charter of impunity in oppreſſion to all the accountable ſervants in the *Eaſt*; in a part of the world ſo diſtant from this, that nothing but ſtrict and penal juſtice *at home* could reform the miſchiefs of that circumſtance alone. I agree to all the merits and ſervices of Lord *Clive*; but his guilt was of ſuch a deep hue, and the evidence of it ſo clear, that nothing could be ſo ruinous to the *Eaſt India* Company as the vote of his indemnity. It was guilt of more conſequence than his *character*, and guilt confeſſed by himſelf in a ſingular tone of defiance to the juſtice of Parliament.

liament. I call that Houſe of Commons to this Bar as delinquents (if not the moſt criminal) to whom the diſorders of the Company muſt for ever be aſcribed. In the caſe of Mr. *Haſtings*, the Company have ſo far copied this model, and copied it well, that in their cenſure upon the *Rohilla* war they mark a due reſentment of diſobedience, and their demand of ſtricter attention to them in future; but they honourably, and wiſely add, that Mr. *Haſtings* ought, upon a general view of his character, to continue in their ſervice.

When I touch upon this impunity of Lord *Clive*, may I not aſk, *Who* ſaved him? What *party* in the Houſe of Commons? What *occaſional majority?* Whoſe eloquence, and addreſs lifted him to his pedeſtal, from the very Judgement of his guilt?

But who are guilty of continuing Mr. *Haſtings* in office? Not the Director, but the Miniſters of the day, who had the power of controul over him, in *fact*, ever ſince the year 1773, and as an article of *right* ever ſince the latter period of 1781. It has been proved at your Bar, that in the whole of this period, not a ſingle diſpatch upon arrangements of any kind, commercial or political, has gone to the *Eaſt* without previous communication to the Miniſters at home. Whoſe, therefore, is the guilt, that from 1773 the Directors have reſigned all their power, and have conſulted the executive departments of State in every meaſure they have taken?

Here too let me aſk, if the Sovereign power, in whom the controul was lodged by the Legiſlature of 1781, is to be diveſted of it by this Bill? If yes, it can be only becauſe that executive controul has

has been abuſed. If it has been abuſed, how ſhall the Bill be juſtified, unleſs the King is heard, whoſe Miniſters, the objects of his choice and favour, have ſo miſconducted themſelves? If the King is only to anſwer through his Miniſter, ſhould not *that* Miniſter be accuſed, who aſſerted the right of controul over the meaſures which are criminated? But how is the argument ſhifted, and mutilated here! The Miniſter is to be ſafe; but the King, for whom that Miniſter is bound by the Conſtitution to anſwer, muſt be diſarmed of his power to reſume a controul executed for him by others, and abuſed by *them*. In this later period, ſince the year 1781 all that has been preſſed againſt the Company, at leaſt every material imputation upon them, was known to the Miniſters, who had by law an abſolute controul over the ſubject. It has been ſaid, that Mr. *Haſtings*, amongſt other acts of contumacy, reſigned, and

cancelled his own reſignation. Was Parliament angry with him for it? Had the Miniſter complained of it long after he knew the fact? It's known to many of thoſe who hear me, that Mr. *Haſtings* again and again intreated the Miniſter of the day to recall him, if he could not be ſupported againſt calumny, and ſelfiſh intrigue. It's known, that his application was reſiſted, from the ſenſe of his merits and ſervices. If any ſuch Miniſter could now act as a political *ſecond in command*, I would aſk him, "Will you *now* do as "*major*, what, as *colonel*, you forbore "to do, upon principles which, if they "operated *then*, operate with redoubled "force at this moment?"

WHEN I called this injuſtice unexampled, I ſpoke with fatal accuracy. In the buſineſs of the *London Quo Warranto*, *Pollexfen*, the Counſel who argued it, obſerved, that

that never in the maddeſt of times, up to that period, the ſuppoſed guilt of a *Corporator* had ſtript, or prejudiced the *corporate right*. He took the liberty, impelled by the occaſion, to inſiſt, as I have done, that every Corporation was at ſtake, and the Government itſelf endangered by that pernicious doctrine. The deciſion, which his abilities could not avert, was reverſed by King *William*,—by that King, whoſe memory this Bill tramples in the duſt; a Bill, which goes many a bar's length beyond ſo diſgraceful a Record. The tyranny *there* was leſs dangerous, becauſe it marked the offence; it heard the culprit in a legal Court of juſtice; it argued from evidence, though its concluſions were deſperate, and wicked. *Here* the guilt aſſumed remains in averment alone,—in general averment, and the parties who have life or death in iſſue have no evidence, or ſpecific charge to meet.

I DISTINGUISH, however, between the Charter of this Company and that of other Cor-

Corporations, in one reſpect. The ſame *kind* of neceſſity which may vindicate the Government in its reſumption of this Charter will not have the ſame effect upon other incorporated Companies, becauſe *here* the Charter delegates a *Sovereign power*; and if ſuch a power is abuſed, I agree to the liberal doctrine of the Counſel who ſpoke laſt; I throw charters behind me, and look forwards to the ſole end of all human power;—to the welfare of thoſe for whom it was made, or ſuffered.

But in this caſe no diſtinction of that kind is to be received; for the Bill cuts down the whole tree: Not a hint of *commercial* miſmanagement inſinuated, the *commerce* participates the fate of the *empire*; *all* the rights of the Company, *Merchant*, or *Sovereign*, to direct their own concerns, are no more.—The analogy therefore between this and any other Corporation is complete, and the Bill enacts *a new principle*

ciple which the Law diſowns; for it makes the ſuppoſed guilt of the *corporate individual* forfeit the *charter'd right* which *he* perſonates. Where is the Lawyer, who will in theſe times dare to affirm that ſuch a doctrine is *Law?* and without pedantry upon the ſubject, I can ſtate an obvious miſchief or two that would reſult from it, if it *was* the Law. 1. Can it be juſt, that abſentees, or thoſe who diſſent ſhould ſuffer the penalties impoſed upon the guilt of the reſt? 2. If a colluſion takes place between the King and a majority or *quorum* for the ſecret purpoſe of enabling the forfeiture, can it be juſt, that ſuch a *concerted* guilt, and *concerted* forfeiture, ſhould prejudice thoſe who are no parties to it?

As to the *libel* (for ſuch it is) which intimates, "that a Charter has been called "*a parchment with a ſeal dangling at the* "*bottom of it*," what could I have given, that it *had* been ſo called in the Houſe of Commons!

Commons! becauſe, there, a high character of independence, and political, as well as perſonal honour have ſeated the *Whig Attorney-General* of the day, who would have cruſhed the levity of that flippant expreſſion with all the weight of his eloquence, and public ſpirit.

I LAMENT the neceſſity of carrying your Lordſhips back to that infamous period, another *Eighty-three*, juſt a century ago, the date of this *London Quo Warranto*, in which Lord *Clarendon*'s hint was overlooked, and Law was again choſen to perſonate the tyrant. *Burnet* ſays, that "one "*Saunders*, made Chief Juſtice for the "purpoſe, an immoral man, was the "chief inſtrument of that perſecution." He names too the recently appointed Keeper of the Seal, through which the *reformed*, and *regulated* Charter was to paſs; but I, my Lords, will not preſume to repeat his name, becauſe he is the anceſtor of a reſpected

ſpected Miniſter in this age, whoſe *title* is the ſame, but who reſembles only the good features of the *character*; which is, that "he was a man of excellent parts, "but crafty, and mean." Through the artifice of thoſe two perſons this act of tyranny was accompliſhed. "The "view of it (ſays *Burnet*) was to ſave the "King from the fear of *troubleſome Par-* "*liaments.*" (I hope they will be ever *troubleſome* to Kings, *and Miniſters too*, when they abuſe their office.) The firſt Judgment was not ill calculated for the purpoſe of intimidating other Corporations; and it produced that effect. All the reſt made a formal ſurrender of their chartered rights, and they were all of them *regulated:* The terms, were thoſe of ſlavery on one ſide, and rapine upon the other. What followed theſe *regulations?* A ſeries of tyrannies; and in five little years the *patriot's neceſſity* came forth,

operating with effect in that *Revolution* which I hope your Lordſhips will not ſuffer this Bill to impair. Many arguments of the two *Eighty-threes* are ſo exactly the ſame, that I don't always know which is which, and as my eyes are weak, am not always able to diſtinguiſh between the figure 6 and that of 7, which marks the difference of the centuries. *Molliter manus impoſuit* was there, as it has been here, the inſulting plea of this *political aſſault*. There too, as here, " it's " not your *property* that we touch; it's " *only* the *uſe* of it, that we controul,—a- " gainſt your will, indeed, but for *your own* " *good*, and for the ſingle *purpoſe* of a *re-* " *form*, ſalutary to yourſelves. You ſhall " have your Charter again, *improved* by " two or three ſtrokes of our pen;—the " *ſubſtance* of your corporate right ſhall " be ſafe."—Who would have conceived it poſſible, that ſuch a banter upon common ſenſe could ever be reſumed?

I HAVE

I HAVE now detained your Lordſhips upon the *firſt*, and the moſt important, branch of my argument, ſo long, that I ſhall be comparatively ſhort upon the *two* other topics, which remain for diſcuſſion.

THE *firſt* of them is the value of the intereſt at ſtake, and the peculiar merit of thoſe in whom that property reſides: A topic,—which has been ſo ably ſupported by argument, and ſo demonſtrated by evidence, that I ſhould impair the conviction which I am ſatisfied your Lordſhips feel upon it, if I ſhould expatiate, or dwell upon the particulars.

THE intereſt, and merit of this great Company are inſeparable; no *juſt argument*, no *hiſtory* which has *truth* for its guide, can ever diſunite them. Charters formed them, and ſuſtained them at firſt with a cold, penurious hand. But as their ſervices increaſed, the

encouragement became a little more generous. — Too often, however, has the wealth acquired by their commercial, or political enterprize for the Public, and for themſelves, tempted the Government of that Public, to deal harſhly with them, and, after diſtreſſing them by one exaction, to make that very diſtreſs an after-plea for heavier demands upon them.—How many Charters have dropt inſidious hints of an apprehenſion that *miſuſer*, *nonuſer*, or ſome defect, (ſurmiſed, never expreſſed,) had ſhaken the right? A *ſum* has removed theſe difficulties; that ſure opiate of the alarm, and ſole end for which it had been ever inſinuated.

As to their ſervices in the war, it's no declaimer's topic to lay ſtreſs upon them. —The beſt Officers in the world have been trained for us by our *Indian* diſcipline. — Lord *Clive*, to whoſe military name I feel with enthuſiaſm the homage due to it, ſprung from a writer's deſk at Madras,

Madras, and animated in the ſervice of theſe *deſpicable merchants* became the firſt General of the age for *us*.

WHAT ſhall be ſaid of Mr. *Haſtings* the *delinquent?* and what ſchool prepared him for his preſent character? Long the Servant of this Company, he has lived but for *them*, and for the Public united with them, ſuſtaining the moſt arduous conflict with enemies on every ſide, and factions at his own Board.—What *is* the *real* character of this wonderful man?—The *Chatham* of the Eaſt: An equal ſpirit of enterprize, the ſame reſource, commanding genius, enlarged conceptions, and purity of character, will make both of them the idols of poſterity, when their little adverſaries will be too obſcure for infamy to record them.

THE capture of *Pondicherry*, made at the ſole expence of the Company, obtained

tained for us the only *acquiſition* that we have received from the Peace.

I SHALL decline the invidious taſk of ſtating how the later differences between the Company and the Miniſter, ſupported in Parliament, originated; what fear on the one hand, or avidity on the other, has prompted an ungenerous advantage of little embarraſſments.---But I will ſay a few words upon two innovations which have taken place within a very few years, becauſe an argument has been drawn from them, which appears to mevery inſidious, and falſe.--It has been ſaid, " the ſame Charters are violated " and reſumed *pro tanto* in the *Dividend-* " *Bill*, and the reſtraint impoſed by ano- " ther Act upon the voting right in the " Court of Proprietors."--I anſwer, that as to the *Dividend-Bill*, there was proof at the Bar of the juſt grounds upon which that

Bill

Bill was framed.---" We (ſaid the Pub-
" lic) are your creditors to a large
" amount.---A part of your property
" ſhall be locked up to a certain degree,
" for a little time, that you may be the
" better able to pay your debts: you
" are now (and it was proved) waſting
" that property, and are dividing *more*
" amongſt yourſelves, when you ought
" upon every ſound principle of juſtice
" and prudence to divide *leſs*." The Bill ſo explained was temperate, and wiſe; but it was not very *popular*. And if this Houſe had foreſeen that ſo dangerous an argument of ſuppoſed analogy could be ever engrafted upon it, you would have refuſed that Bill, my Lords, without a diſſentient vote. Such is the danger of precedents injurious to *legal* right, though gentle in the *meaſure* of them, and juſt in their *political* aim. —It's perhaps wiſer upon the whole to

ſay,

ſay, "Not *a hair of the head* ſhall be *injuriouſly* touched for *ſpeculative* good in a "*political* view, if the advantage of that "precedent may enable the hand of "power to-morrow, or a few weeks, or "years, or a century hence, to *cut off the* "*head.*"---There, however, the Dividend was only reduced for ſix months, Here, a general reſtraint is impoſed upon the power to make any Dividend at all.

As to the Bill which curtailed the voting right of the Elector, by the demand of his larger intereſt in the fund at ſtake; I, for one, cannot ſee the policy of its *enactment* (though its *intention* was good); for it proceeded upon the idea, that, by reſtraining the number of the Electors, you made the corrupt abuſe of the right more difficult—I take the reverſe of that principle to be correctly juſt, and approved by uniform experience

ence upon the ſubject.—Here too, though I ſhall not with too fond a zeal triumph in the famous Proteſt upon that Bill; I will not forbear to expreſs my veneration for thoſe who have put their names to it; and will add, that if any of them can vote for this Bill,—can deſert their favourite miſtreſs, LIBERTY, kneeling at their feet with a more earneſt claim than ſhe ever made upon them—ſhe can ſay with another miſtreſs deſerted by her capricious lover,

"*Xanthe, retro propera, verſæque recurrite lymphæ.*"

I WOULD now, my Lords, readily make *recital* and *preamble* of all the arguments which I have heard upon the ſubject, and I would in that ſhape have no doubt of convincing your Lordſhips that ſuch a Bill cannot paſs. I have heard a ſimilar expedient uſed upon a ſimilar occa-

ſion by one of your Lordſhips, and one of the moſt admired; but I am in vain to hope that I can uſe it with half the ſame advantage, and addreſs.

SHALL it be ſaid, "*Whereas* there is a "want of due power in the Directors?" What ſhall be the inference? To give them *new* power;—not ſtrip them of the little they have. They have in ſome reſpects *too much*, though *too little* in others; they have too diſcretionary a power over their Servants, and may *remove* them by the capricious breath of their abſolute will.——Other powers veſted in them by the earlier charters are indeed reduced; but I remember that in the *Quo Warranto* year a right was given them to impoſe *any* penalties in a ſummary way, upon a ſhort caſe, and upon rules of equity; an arrangement, which is too like the power given

to

to the new Directors by this Bill; who are to form a conciſe epitome of their ſentence, and lay it before the Parliament that choſe them, the Parliament that muſt anſwer for them, and muſt anſwer for them— *to themſelves.*

Suppoſe it ſaid, "*Whereas* the Court of "Directors are too often re-elected" (which I conceive they are), let this vice of the ſyſtem be reformed; and if it *can* be reformed without prejudice to inherent rights, need I aſk if that ſhould not be the line preferred? It may be ſaid, "*You* then muſt point it out."—I ſay, "No; thoſe who ſtate the neceſſity of *ſubverting the Govern-* "*ment* for the *benefit of the governed*, muſt "prove the inefficacy of milder expe- "dients."

If it be ſaid, "*Whereas* the territory "has been acquired for *us*, not for *them*

" and their political office, which does not " ſuit *them*, has been recently uſurped ;" need I prove that recital to be falſe ? Is it not familiar to the memory of your Lordſhips, that long before the *Dewannie* was acquired, this Company aſſerted the political character ; that even before the time of King *William*, their charters treat them as having, and as deſerving to have, in their own hands the ſole uſe, and ſole order of an extenſive empire ?

" *Whereas* the diſtance of the ſcene " enables many acts of diſobedience to the " Government at home to be accompliſhed, " either with abſolute impunity, or with " all the bad effects of it, becauſe the " puniſhment will be too late."—The recital is true ; but will the *diſtance* be *leſs* between the new Directors and the Servants abroad ? That one great ſource of inconvenience to the Company's affairs

may

may be found in this truth ſo recited, is indiſputable, and agreed on every ſide. How to reform it, is a point of extreme delicacy. Sure I am, that *India* muſt be governed *there*; and I would rather give *more*, than *leſs* power to the Supreme Council of Bengal, if I could ſuggeſt an adequate, and ſure puniſhment of them *here*, for tyranny, and corruption *there*.—But is it certain, that no arrangements, upon that principle, and *worth* trial at leaſt, may be diſcovered by unprejudiced men, converſant in the ſubject—which the new Directors are not.

If the "*whereas*" points at the "*influence of an Eaſtern Rupee* upon the *Engliſh* Proprietor in his General Court, or "upon the Director, choſen by *him*," will the ſame *Rupee* have *no* influence over the *new* Conſtituent, and the *new* Repreſentative? But I doubt a little of this corrupt influence

fluence as a fact, because it's very ſuſceptible of proof, and there is not a particle of teſtimony attempted in ſupport of the conjecture aſſuming it. Popular eloquence in the Senate *aſſumes* every thing, and leaves the dull taſk of *proof* to Lawyers at the Bar.

If it's an ill concerted regulation, that a popular aſſembly may *direct*, as well as *controul* the executive power; *firſt*, I anſwer; "Look at this Bill:" *Next*, I aſk, "Is it agreed, that ſuch a political ſoleciſm "may not, *with aſſent of all the parties*, "be corrected, ſo as to leave the execu- "tive department leſs hampered?"

"*Whereas* they are *bankrupts*"—it may be ſaid,—it *has* been ſaid, my Lords, and upon evidence that would make *every* merchant a *bankrupt*. I lament the uſe (or, I ſhould rather ſay, the abuſe) of ſo tick-

liſh

liſh a word; becauſe the injury which has ariſen from it (wherever it was uſed, or whatever purpoſe of the hour it could have anſwered) was a violent ſhock to the Company's credit, and ſtaggered the public opinion of it. But if they *are* bankrupts, (a *now* admitted falſehood, which I aſſume as truth for argument-ſake alone), *may* it not have been calamity, the failure of agents, or the iniquity of them? Has it not been proved at your Bar, that moſt of their temporary embarraſſments (and ſuch alone they ever have ſuſtained) aroſe from their ſervices to this country? We are told, "It's the *right of creditors* to im-"pound the whole fund, and pay them-"ſelves:" But let us examine the debt, and liquidate the account, that we may adjuſt the fair balance of it between *our* Government and *theirs*. What, if the latter owe to the former *one* million, but the former owes *four* to the latter?

Shall

Shall creditors of a debtor who is *their* creditor to a larger amount, ſeize all his property, and controul every future application of it as they pleaſe? One thing occurs to me upon this *bankrupt* ſtate of the Company as a little whimſical. The Bill is pretty impatient for the *good-will* of a ſhop in the *Gazette*,—pretty impatient for the empire of territories which they deſcribe as impoveriſhed, and a deſert.

"*Whereas* the *face of Tartarus* appears "in the Reports of certain Committees "formed by the Houſe of Commons, and "ſhocks the reader of them"—What then? Are not theſe, caſes of delinquency in the ſervant, which demand proof againſt *him*, and againſt the maſter as privy to it, before *their* guilt can wound or touch the corporate and general right? But was this "*face of Tartarus*" in a veil, or expoſed, when *Lord Clive* eſcaped, and when others,

others, who ſhared his guilt without his merit, jumped out of the pit upon the ſhoulder of *his* indemnity?

Upon ſuch naked recitals, even if *preambles* in the Bill, which they are not, can the Government of the *Eaſt India* Company be diveſted of their power to appoint a *Writer*, and the Mate of an *Indiaman*? Is *all* their *commercial* authority at an end, becauſe there have been *ſome* diſorders in their *political*, or *judicial* conduct? I have not found a ſyllable attempted in ſupport of *any* interference with *commercial* arrangement as it's now regulated by theſe *commercial* men, trained in the habits of it, and guilty of no *inſinuated* abuſe *in that quarter* at leaſt. Here then is *one* palpable act of tyranny: You reform their *politics* by taking their *purſe*; and we may *ſuſpect* at leaſt that your pretence of neceſſity for *that* reform was

artifice, when you tack to it the affected *reform* of ſomething elſe which you don't ſtate, as wanting *amendment* of any kind, and make your plea of *improvement* the tool of your own political influence.

But aſſuming it neceſſary to diſſolve the government by Director and Proprietor in their *preſent* form, I am now to examine the *ſubſtituted* machine, and ſee what benefit the Company will derive under it; or how, be that as it may, the Public will *bear* it in a *conſtitutional* view.

First, I obſerve this, in the *remedy* offered, that it's juſt as indefinite as the *diſorder*, and juſt as ably calculated for the purpoſe of giving an immediate anſwer to every Doctor who falls in the way of our *great Phyſician*. He conſults the *Faculty* upon it thus: "We have here, "Gentlemen, *a diſorder*; I don't exactly "know what it is; (a good way to be-

"gin

" gin the cure !)—here is *my* cure for it ;" and he produces the Bill. Says one of them, " I don't like to dethrone my " King ; I am a *Country-Phyſician* : The " King is a favourite of mine." What's the anſwer ? " Phoo ! don't you ſee ? " The King is to have it--*in the end* : It's " only for a time that *I* the *Miniſter*, and *we* " the *Parliament*, (" *Ego et Reges mei*,") ſhall " make uſe of it. In *four* little years (a term which, if it proceeds *for a day*, will *never* be at an end) " the *King ſhall have his* " *own again*."---Says the *Town*-Phyſician, " I am for the *College* ; and againſt all " influence of the King, or of his Miniſter, " who, though he ſtands to-day upon Par- " liament, may ſhelter himſelf in the Re- " gal office to-morrow, or at the end " of theſe four years."—" Phoo ! (ſays the " anſwer) do you think Parliament, hav- " ing ſuch a power for this *nominal* period, " will *ever* part with it for the benefit of the

" King, or of his Miniſter?"—Says a *third*, " I like to entruſt neither King nor Parlia-" ment with ſuch a power: I tremble at " the patronage, and the corrupt influence " of it." What's the anſwer? " It's *pro* " *hâc vice* alone. The Company, re-" formed by the model of our con-" duct in theſe four years, may and will " be entruſted again with all their powers." —Thus agreed, they go to the patients in the next room, and *force* upon them the *Recipe* of *this Bill*, " which can alone cure " every one of them, firſt or laſt."---But the caſes are different. One has dropſy, a ſecond has fever, and " I am *well*," ſays a third. The Phyſicians tell them, " they " have no *time* to diſcriminate; the chariot " is waiting for them at the door. *Some* " of you are dangerouſly ill, and *ſome* in-" curable We'll give all of you phyſic, or " give you none, juſt as we like it," (I have ſeen a Charter of Edward the Second

granting ſuch an abſolute medical power to his Phyſician " *volentibus nobis, aut nolentibus.*") " The main ſource of your *diſorder* " ſeems to be *intemperance*; and *ſeven* " Doctors of our appointment, like *Sancho's* " table-phyſician, ſhall tell you what " food you ſhall eat, or from what food " abſtain."

---To the *Servants* of the Company another ſtory is told. " Here's a cordial for " *you*; go to bed, and ſleep with delight " upon your pillows; no retroſpect here; " this binds up every wound."

May I not, my Lords, a little more cloſely examine the ſeven *perfect men* who are put into this new office of Direction, amenable only to thoſe who appointed them? May I not canvaſs their claim of ſuperior virtue, and wiſdom? Every

guilt

guilt of ſyſtem is to remain; but their purity of character is to compenſate for the abſolute licence of oppreſſion, of corrupt intrigue, or of ſervile politics. In the firſt place, I meet (and can ſcarce believe my eyes) *two* of the *delinquents* themſelves, who form *two* of the *ſeven* Angels. When I look at them in this Bill, I ſee the wings upon their ſhoulders; but as appointed in Leadenhall-Street, I mark their cloven foot. Infamous and execrated, as choſen by the Court of Proprietors, they commence favourites, and idols, from the moment that a Miniſter, and a Parliament favourable to *him*, ſhall have put their ſtamp of approbation on them? Of the other *five* God forbid that I ſhould ſay, becauſe I do not feel, any thing diſreſpectful; ſo far from it, that if I could have ſelected five individuals of merit *untried in*

this

this new department of it, but of the moſt unblemiſhed honour in their own ſphere, I would have choſen *them*. I have the happineſs to call the ſecond of the liſt my perſonal friend; and with pride confeſs, that I am under many intereſting obligations to him. The honourable Baronet who is another of them, adorned our profeſſion with his abilities, and liberal character: No man ever left us, more admired, and beloved.—But this I can ſay of them *all*: They are *men*—they are *Members of Parliament*:—They are friends to the Miniſter who has put them into an office of more value in the article of patronage than ſeven Cabinet-miniſters, have as yet, by virtue of their appointments, ever held. They wiſh to perpetuate their own dominion; (all men wiſh it; the human creature loves power, and can ſcarce help abuſing it:) they have political prejudices; they prefer their own favourite Miniſter; they have,—I will not ſay, an implicit faith, but a partial confidence in him; (they would

be

be hateful if they had it not;) they are Members of a Parliament which can reward, or cenſure them *at will*;—there *may* be reciprocal arrangements of benefit, in the diſtribution of patronage, between *them* and ſuch a Parliament,—or *thoſe who may govern it*.

If it ever *had* been ſaid by a Miniſter juſt formed, "that Majorities muſt at any "rate be had, and at any rate be kept;" if an Adminiſtration had been ever *built* upon that *principle*, and the firſt breath of their government had been *this* Bill, how would a common way-faring man like myſelf, (who does not look far into conſequences that are ſpeculative, and remote,) have ſhuddered at the danger of the journey before him? Heaven be thank'd, that *no ſuch principles have been declared, or acted upon*: But *future* Miniſters *may* declare them, and *may* act upon them. Give them this Bill if they *ſhould* ſo declare, or *ſhould* ſo act;—and make them *abſolute* for ever.

The

The Conſtitution of this country never looks at the *power*; it looks at the *men*. No ſuch monſter of political perfection there, as a *patriot King* or a *patriot Miniſter*. Said my Lord Coke, "I love the "King well, but I chuſe to meet him up- "on record." As to the Miniſters of our day, every thing is chaſte and holy in that quarter. I, for one believe in all their liberal promiſes; I have an eaſy, and credulous faith; it's my temper; yet ſomething whiſpers to me,—that I had rather be *ſafe*.

I may be told, "at the worſt, it "may be a tyranny of three, or four "years". But firſt, I would aſk, What ſecurity, that, with abſolute power in his hand, the tyrant will *chuſe* to abdicate when his four years are paſt? Nor can I forbear to remark upon one circumſtance in the term of this period:

I. Short

Short as it is, it *happens* to ſurvive the next General Election.

COUNSEL for all the parties intereſted and competent in ſo political a ſuit, may I not preſs my argument againſt the fatal influence of this Bill upon the liberties of the Government? An influence which I ſurely may deprecate without offence to the Houſe of Commons, becauſe even our *Statute Book*, in ſome of its later pages, enables me to ſay, that *Regal* influence upon that Houſe, exerting itſelf in its *genuine ſhape*, is an evil which the country has felt, and has reformed. But if the door has been ſhut againſt *Regal* influence; if the ornaments of a Court which never had much parade in it, have been ſo pruned and pared away, to guard the purity of the Senate, will you now, my Lords open the wider gate of another influence beyond com-

compariſon more alarming in the nature of it,—and perpetual, if it can exiſt an hour? Will you build upon the ruins of a *Regal influence*, (truely deſcribed,) amenable to controul, the *Regal* influence of a *ſubject*, reſponſible to no power upon earth?

As to the controul over the ſervants of the Company,—it's *leſs* than it was: The double check upon them which reſided in the Court of Directors, and the Parliament, is taken away;—the ſubſtitute is Parliament alone; whoſe check over its own delegate is ridicule in terms. In this view, my Lords, the *Reformer* ſhifts a reſponſible power, which he ſtates to have been groſsly abuſed, into an irreſponſible hand: For what's the favourite argument of the advocates for the Bill? When aſked "why the Court of Proprietors are "to anſwer for the Directors, and for *their* "ſervants;" they have anſwered, "Be-"cauſe that Court choſe the Directors." Who then will anſwer for the *new* Direc-

tors and *their* ſervants? who, but the *new* Elector of them?—which new Elector is the Parliament—" But anſwer to whom?"—To the Sovereign power, of courſe, which is the ſame reſponſible Parliament,—*reſponſible* to itſelf.

" WHY too (one may aſk) is the ar-" rangement of this elective right ſo muti-" lated? Why is the King to have *any* " power at all, if he can't be entruſted with " *more*? Why to have a nominal influ-" ence upon a poſſible vacancy during the " four years?"—It has been ſaid, that his influence tho' *diminiſhed*, is alſo *increaſed* by this Bill. So it is, *upon paper*, but in obvious effect only *diminiſhed*: It's *a Leaſe for years* in the Parliament,—or in thoſe who can make Parliament their own, with a remainder, at the option of *the Leſſee for years*, in the King, or any other part of the Government. In vain has the *dangerous* influence of the *Regal office*, in its genuine form, been ſtifled,

if.

if the *good*, and the *popular* influence of it in oppoſition to a daring Miniſter (aſſumed for argument) is taken away, and the influence of that Miniſter in Parliament is made perpetual. The Bill in this view of it *accroaches the regal power*, and makes the King a Viceroy to his Miniſter in Parliament (I mean to a *future* Miniſter in a *future* Parliament). It's no longer the conſtitutional influence of a Miniſter through the King, and reſponſible for him; but it's the Regal influence of a Miniſter, paramount the King, in the Houſe of Commons; and the Democracy of a ſingle room in the hand of that Miniſter alone.

Is the *patronage* transferred into this new office an article of no conſequence to the purity of the Senate? I ſhould be ſorry to look behind the curtain of any Miniſter's cabinet;—but if your Lordſhips were now to find yourſelves in that ſituation, you would

would ſee importunities upon importunities laying ſiege to the Miniſter of the day; you would hear him cry out,

" *Shut, Shut the door;*——————————
" *Tye up the knocker;*----*ſay I'm ſick, I'm dead.*"

Is it *conſtitutional* to make Parliament uſurp any department of the ſupreme executive power? and what is more eſſential to that power than to chuſe its own executive inſtruments? *Mr. Juſtice Blackſtone* writes, that " if the Legiſlature has any thing to " do in the executive appointments, there " can be no public liberty." What then ſhall be ſaid of this Bill, by which the King's throne has been ſhaken to the centre, and that popular centre of it which is inſeparable from public freedom? He not only muſt not chuſe the *new* Directors (whom *he* ſhould appoint, if the future choice of them is to become an act of State), but he is never to chuſe a Miniſter again, or to *remove* a Mi-

a Miniſter, if *the voice of the People* ſhould cry aloud for this act of his Regal capacity.

HERE, my Lords, I again refer to one of your own Records, for the language of the Conſtitution. It's impoſſible to mark with half *your* eloquence the danger of lodging *Regal* power in *Parliamentary Commiſſioners*;—upon this very topic of *Indian reform*.

MAY I look, my Lords, at many a *future* Miniſter, and at many a *future* Parliament, if ſuch inordinate power is given to *theſe*, and ſo blind a confidence repoſed in them? Looking at ſuch *diſtant* objects, may I not imagine a *modern Cato* ſeduced by a Bill *of this kind* into abſolute power; and a *modern Juba* by the ſide of him, dreſſing him in his *Perpetual Dictator's* robe? I'll "ſtand, or fall by this great man," his friend may ſay of him, "live, or die with "*him*,"—

" *him*,"—in the act of making him, as a Miniſter, immortal;—though he would think twice, before he would follow him to *Utica*. May I not, contemplating this Miniſter *in embrio*, take bolder liberties with *fancy* and *conjecture*?—May I not *ſuppoſe* a Miniſter who can forget that he has ever been Sir *Thomas Wentworth*, and may perſonate the *Earl of Strafford*, without his title, in the Houſe of Commons, a ſort in which he may laugh at the public reſentment? May I not meet upon my pillow, in ſome *feveriſh* dream or other, a bold, intriguing, able partizan for whoſe *benefit* (if it may be ſo called) *ſlaves to a Court* and a *virtuous Ariſtocracy* may agree to melt in the ſame crucible together? If a Miniſter ſo formed ſhould ever come to light, and I could live to ſee him in the laſt moment of his *political exiſtence*, (which of courſe would be the laſt moment of his *life*), I would ſay to him, not in words of my own,

own, but in thoſe of a romantic poet, though writing in proſe; I would ſay to him, as *Cowley* addreſſes *another* Protector of human rights in his famous Viſion upon *Oliver Cromwell*:

"SUCH protectors are men to their "ſheep: they ſell them, ſhear them, and "eat them! What can the wolf do "more?"——

——"YOU pretended freedom for all, "and by the help of that pretence made "all your ſervants."———

———"YOU fought againſt Monarchy, "when you declared for it; and when "you declared againſt it, you contrived "for it *in your own perſon.*"—

———"Two millions a year could "not ſatisfy your avarice, and prodigality; "you muſt have *the whole Indies* by ſea

" and land; that great alligator must be " your's alone."——

——" You have been commended for " your *diligence*; I wish to God you had " been a *lazier* person, and had been " found asleep when other men are awake, " instead of being found awake for your " own ends, when other men are ordina- " rily asleep."

—" As to your *courage*, would to God " that you had not been so *bold* as to " violate openly, and *scornfully*, Acts and " Constitutions of State!"——

" If you have been *great*, welcome inno- " cent obscurity! I could not wish a heavier " curse to fall upon the bittercst enemy " of my life, than that his country should " say to him,——" Nostrâ miseriâ et ser- " vitute *magnus* es."——

FINIS.